

KNOW PUCL

People's Union for Civil Liberties

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Preface

This small Booklet is intended as introductory to Human Rights and to the People's Union for Civil Liberties. The PUCL is a national level organisation.

This Booklet about the PUCL and its mandate and working will go a long way to inform the reader what Human Rights organisations do and in what conditions they work. The Organisational details are meant not only for the members of the PUCL but also for the general reader by way of transparency. It will also nail the lie by interested parties that all these organisations are foreign funded.

The movement for Human Rights is the second Independence movement of the country.

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General
Secretary

October 2010

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INTRODUCTION

What are Civil Liberties

Civil liberties, civil rights, or human rights are terms which are often used inter-changeably. For the common person it does not matter. Correctly speaking the difference between civil liberties and civil rights on the one hand and human rights on the other is that the former two are generally liberties that are guaranteed to a citizen by law. For example, the Constitution or the laws and legal traditions of a country may guarantee every individual the liberty of thought, speech, action, enjoyments of life and property, equal right to the protection of the law to exemption from servitude etc. These liberties are limited by the enjoyment of same liberties by other individuals.

Human rights, on the other hand, are the inalienable rights of a person by virtue of being a human. All or some of these may or may not be written in the Constitution and laws of a country. These rights are considered to be universal and have been concretised by the United Nations in various categories. These may be political, economic, social, or cultural.

Theoretically, human rights belong to each individual, they are indivisible, and valid for all times. For practical purposes, we may speak of human rights of a group, like rights of the child, or the rights of women, or the rights of Dalits, because the individuals of that group are generally more vulnerable to assaults on human rights. Alternately, their rights may be assaulted because they belong to that group. For example the human rights of a woman that belong to her because she is a human being, may be suppressed because she is a woman.

The United Nations Organisation has adopted a document known as the **Universal Declaration of Human Rights**. Every member country of the United Nations is a signatory to this declaration, which makes it mandatory for every member country to protect the human rights of its citizens. This document was adopted on December 10, 1948 and, therefore, this date is observed as the Human Rights Day all over the world. Besides this declaration, there are other Covenants concerning human rights which have been adopted by the United Nations from time to time and member countries have been invited to sign and accept them. When they do so, it becomes their duty to implement them too. A signatory country may make laws to that effect, or in the absence of such laws, may implement them through policies and programmes.

Some of the important documents, apart from the Declaration of Human Rights, are the International Covenant on Economic, Social, and Cultural Rights; the International Covenant on Civil and Political Rights; the Optional Protocol to the International Covenant on Civil and Political Rights; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. These international documents define and continually expand the horizon of human rights. In India the Supreme Court has ruled that the High Courts can implement the provisions of these documents provided there are no laws specifically against them.

India: Nehru takes initiative

In early 1936 Jawaharlal Nehru wrote to a large number of political leaders and intellectuals about his idea of the need of a non-political and broad based civil liberties organisation for purposes of collecting and disseminating information and educating the masses. This culminated in the founding of the **Indian Civil Liberties Union** on August 24, 1936. This was followed by the formation of Unions at Bombay, Madras, Calcutta, and in Punjab as its units. Rabindranath Tagore was the first Honorary President of the ICLU and Sarojini Naidu the President. KB Menon of the present day Kerala was appointed as the General Secretary. Rammanohar Lohia, M Venkatarangaiyah, S Pratap Reddy made important contributions to popularise the concepts of civil liberties by writing booklets, articles, and pamphlets.

The Formation of Congress governments in some provinces resulted in a decline of initiatives of the Congress workers and slowly the first chapter of civil liberties movement in India came to a close.

The seventies

It took about twenty-eight years for the second chapter to begin. The idea to form such a rights organisation in West Bengal took seed in 1968 resulting in the formation of the **Association for the Protection of Democratic Rights (APDR)** in Calcutta in 1970. The **Andhra Pradesh Civil Liberties Committee (APCLC)** was formed in 1974, and the **Organisation for Protection of Democratic Rights (OPDR)** in 1977 at Hyderabad. The **Committee for Protection of Democratic Rights (CPDR)** and **Lokshahi Haq Sanghathana** were formed in 1977 and 1979 respectively in Bombay.

JP's LEAD

Indira Gandhi imposed internal Emergency in the country in 1975. Thousand of people were detained without trial; news was censored; private premises, telephones, letters were trespassed without legal authority and, above all, even the right to life could not be enforced by the courts. The 43rd amendment to the Constitution, drastically curtailed the rights and liberties of the people and the scope as also the powers of the courts, in the name of national crisis.

It became apparent, very soon, that this was a sinister step that would destroy the democratic fiber of the country and concentrate unlimited power in the hands of the Prime Minister, who would be then accountable to none.

Jaya Prakash Narayan called for a movement against this tyranny. This was the beginning of the third chapter in the history of the civil liberties movement. Lakhs of people joined the massive protest rallies on the call of JP's movement and thronged the meetings organised by him. Mass opinion was mobilised in favour of safeguarding the Indian democracy.

The precursors

Jaya Prakash Narayan founded an organisation by the name of the *Citizens for Democracy* on April 13, 1974 with Jayaprakash as its President and VM Tarkunde as the General Secretary. After JP's death (Justice) MC Chagla (Rtd.) became its President. The CFD was established as a result of the mass movement built up by JP in response to the political and economic crisis in which the country had been plunged, before the Emergency was declared. JP founded the **People's Union for Civil Liberties and Democratic Rights** (PUCLDR), in 1976. This organisation was meant to be complementary to the Citizens for Democracy (CFD). Now, the idea was to make the PUCLDR, unlike the CFD, an organisation free from political ideologies, so that people belonging to various political parties may come together on one platform for the defence of Civil Liberties and Human Rights. Era **Sezhiyan** was made the Convenor of a committee to set-up PUCLDR.

A national seminar was held on October 17, 1976. It was inaugurated by Acharya JB Kripalani. The PUCLDR was a loosely organised group of people who were working with JP. V. M. Tarkunde was elected as President and Krishan Kant as General Secretary.

The Emergency was lifted in 1977. The Janata Party, formed with the blessings of JP, came to power.

A very large number of people who had worked with him assumed power at the centre and an impression started floating that now the liberties of the people were secure. The dynamic element in the PUCLDR subsided. **The Delhi branch of the PUCLDR**, however, remained active under the leadership of Gobind Mukhoty.

During this time, the police and the governments of states like Andhra Pradesh, West Bengal, Kerala, Bihar, Orissa, and Punjab started claiming 'encounter killings' of 'naxalites' with alarming frequency. A fear that these could be cold blooded murders covered up as 'encounters', made Jaya Prakash Narayan set-up the **Andhra Pradesh Civil Rights Committee** comprising V M Tarkunde, Arun Shourie, Nabakrishna Chowdhury, MV Ramamurthy, Kaloji Narayan Rao, BG Verghese, Balwant Reddy, K Pratap Reddy, and KG Kannabiran. This Committee recorded extensive evidence and issued two reports in May and June 1977, establishing the fact, and giving the details, of the killing of 16 young boys labelled as "naxalites".

These findings of the Committee that the boys had actually been arrested by the police from different places and then killed while in police custody provoked wide spread anger in the country and there were demands for setting up an official commission of enquiry to look into these alleged murders. The Andhra Government, therefore, appointed a Commission, headed by Mr. Justice Bhargava. KG Kannabiran and MV Ramamurthy who then presented the findings of the committee about these so called 'encounter killings' before the Commission. In the middle of the enquiry, the state government suddenly declared that its sittings would be *in-camera*. Kannabiran and Ramamurthy withdrew out of protest and the Commission was wound-up. It has, though, been established beyond doubt that the facts presented before the Commission were incontrovertible.

Birth of the PUCL

Jaya Prakash Narayan died on October 8, 1979, after a prolonged kidney problem.

The year 1980 saw the return of Indira Gandhi to power. Her government resumed its assaults on rights of the people. Efforts were made to once again put some life in the PUCLDR and to bring about co-operation among various civil liberties groups. Learning a lesson from the past experience, it was decided that the organisation should be put on a more firm footing. A conference of all those interested in the cause of civil liberties was called. A consensus emerged among civil liberties activists and various political parties that such an organisation should remain non-partisan. The organisation was re-christened as the **People's Union for Civil Liberties (PUCL)**. This founding conference, held in 23rd November 1980, also drafted and adopted the Constitution of the PUCL on November 23, 1980 and made it a membership based organisation, aiming to have branches all over the country. The Constitution laid down that the members of a political party will not have the right to hold any office if they joined the organisation; the number of members, belonging to political parties, in the national or state executive committees shall not be more than 50% of the members of the National Council and the National Executive Committee (and also of the corresponding bodies at the state and local level). Not more than 10% shall be members of any single political party.

This founding conference elected V. M. Tarkunde as its President and Arun Shourie as the General Secretary. Later, Y. P. Chhibbar was appointed as Executive Secretary. Those elected as President and General Secretary(ies) in the following year(s) were: **President** : VM Tarkunde (1982 to 1984); Rajni Kothari (1984 to 1986); Rajindar Sachar (1986 to 1995); KG Kannabiran (1995, continuing). **General Secretary**: Arun Shourie (1982 to 1986); Rajni Kothari (1982 to 1984); YP Chhibbar (1984, continuing); Dalip S Swami (1986 to 1990). VM Tarkunde was named **Advisor** in 1986. The National office of the PUCL is being run from the residence of YP Chhibbar since 1981.

PUCL TODAY

Major areas of activity

Ever since 1980, the organisation has been expanding its membership and has established branches in all most all the states of India. Some of them have been good at mobilising public opinion through public demonstrations, while others have more successfully pursued public interest litigation in the courts. Their area of interest varies according to the interests and capacities of the elected office bearers and active members.

The major areas of action have been:

- * mobilising public opinion in favour of a better climate for protection of civil liberties in the country.
- * conducting investigations into incidents of violations of human rights, brought to notice by the victims, the press, a member, or any concerned individual.
- * publishing the findings of these investigations in the *PUCL Bulletin* and releasing them to the press, or making them public by other mean such as public meetings, etc. Many reports are published as separate documents also.
- * filing petitions, on the basis of these investigation, or even otherwise.

These cases are prepared and argued by our lawyer members in the local courts, High Courts, or the Supreme Court. They meet all the expenses of fighting these cases, from their own pocket.

The PUCL does not simply react. It organises seminars, Lectures, etc., for focusing attention on the problems concerning its area of work. It has raised its voice against various oppression laws and retrograde amendments to the Constitution. It has tried to find the causes of communal riots and tried to create amity amongst various sections of society. It also organises observer teams at the time of Elections from sensitive constituencies. It has been active on environmental issues, especially for the rights of those affected adversely by 'development' projects. It has, from time to time, taken up issues to courts at various levels. The PUCL has, more than once, taken up the cause of pavement dwellers.

PUCL Bulletin:

The PUCL also publishes a monthly journal, the *PUCL Bulletin*, in English. It is the only journal of its kind in the country and is read all over the world in the human rights circles. The January 2008 issue of the 'Bulletin was its 310th issue. The Chief Editor is Y.P. Chhibbar and the Editor is R. M. Pal. Smitu Kothari, George Mathew, and Dalip S. Swami have served as its editors in the past. Others who have made valuable contribution to nurture the 'Bulletin are Neeraja Chawdhury, Arun Jaitly, Aurobindo Ghose, Meera, Sehjo Singh, Vijaylaxmi, N. Kotishwar Singh, Pushkar Raj, and, above all, late Inder Mohan.

Fraternal relations

The PUCL maintains fraternal relations with many national and international organisations concerned with Human Rights and exchanges literature with them. Some of the important international organisations are The Amnesty International, The World Organisation against Torture, The Human Rights Watch, The Netherlands Institute of Human Rights, The UN Centre for Human Rights, The Lawasia, The Article 19, The Asian Human Rights Commission, and others.

The National groups with which the PUCL maintains very close, friendly, and co-operative relations are CFD, APCLC, PUDR, APDR, CPDR, as well as a host of others.

Since the establishment of the National Human Rights Commission the PUCL has made a lot of effort in utilising this forum for redressal of grievances against violation of the rights of the people. But the PUCL is dissatisfied by its scope and the methods laid down in the Protection of Human Rights Act, 1993, and also with the workings of the National Human Rights Commission. It is continuously pressurising the government as well as the Commission to remedy the situation. Besides the NHRC, the PUCL also keeps in touch with the National

Commission for Women, the National Commission for Minorities, National Commission for Scheduled Castes and Scheduled Tribes, and the National Commission for *Safai Karmacharis*. Some States have established State Human Rights Commissions, as provided in the Protection of Human Rights Act, 1993. The PUCL is campaigning for its establishment in the remaining States also. The PUCL also takes care to see that the establishment of such Constitutional fora does not slow down its work, as there is no substitute of voluntary and dedicated work.

Representation at other fora

Other national/international organisations, conferences, etc., invite PUCL or its activists to participate in some special meeting or seminar, etc. Participation in such events sometimes is not only necessary but also crucial to project accurately PUCLs policies on concerned matters. Individual invitations do not concern the organisation. But if an individual/activist is invited to portray the policy of the PUCL, such invitations for a national or international meet should come to the national office. It is the responsibility of the President/General Secretary to depute an appropriate member to attend such a meet. If a member is invited in individual capacity, she/he can voice her/his individual views only. This practice is a part of the organisational ethics and discipline. For such a Conference confined to a State it is the responsibility of the State President/General Secretary to see that the practice is adhered to.

ORGANISATIONAL STRUCTURE

The PUCL has a three-tier structure. The base is the general body known as the National Convention. The there are the National Council, and its Executive. Elections of the office bearers, the National Council, including the National Executive Committee, are held according to the provisions of the Constitution appended at the end. The office bearers carryout the policy and programmes laid down by the National Council and its Executive Committee.

The national PUCL establishes the State branches. The structure of a State branch follows the pattern at the national level. The State branch and its office bearers organise and co-ordinate the working of the organisation in the State concerned. They are responsible for establishing local branches in the district and cities and towns. Here too the structure follows the same pattern.

Guidelines for action

The base of the PUCL are the local level branches. The office bearers and the members of a local branch are the most crucial functionaries, as only they are in a position to intervene directly. Also, it is here that the actual suppression or the denial of the liberties of the people takes place. It is the activities at the local level that give shape and an identity to the organisation. The initiative and the alertness shown by the members at the district or city level is the most important element in the movement for civil liberties. Wherever necessary, a local branch can and should enlist the help and support of the state branch, and, if necessary, also of the national PUCL. The state and the national PUCL can only act on the basis of the information supplied by the local branch to support their work.

Whenever some important situation develops affecting the liberties of some individuals, or a group, or the common people, the concerned branch of the PUCL has to ascertain the facts before taking any action or committing itself to an action taken by some other group or organisation. Care should be taken not to become involved in activities of political parties or groups.

If some incident takes place that is of wider importance it is always better to organise action at a wider level (State and/or national). Co-ordination of activities with the State and/or national office is of utmost importance. Care should always be taken that one local/State branch does not take initiative on a problem in the area of any other local/State branch unless requested by the concerned branch or advised by the State or National office at Delhi to do so. If some matter concerns two local/State branches the other local/state counterpart can be contacted directly or through the National office.

Branches:

The PUCL has its branches in almost all the States. The National PUCL and the Delhi State PUCL always act in close co-ordination as both the offices work from Delhi. The Mumbai PUCL has been established as a branch separate from the Maharashtra PUCL.

All the State/local branches are required to print letter-heads with the address of the national office at Delhi at the bottom, apart from their own address at the top.

Issues and concerns

In an under-developed and poor country most often it is the poor and the disadvantaged and vulnerable sections of society, including women, children, minorities, prisoners, and various others, whose rights and liberties are taken away. In India, one has to take into account the oppression of the caste system and also the communal divide. On the other hand, the PUCL cannot, also neglect the wider question of issues like freedom of the press and other media, the independence of the judiciary, etc. It is, therefore, difficult, and also unnecessary, to differentiate between issues of civil liberties and human rights. Therefore, the PUCL often finds itself engaged in activities that may not be strictly related to civil liberties.

Corruption

Similarly the PUCL may sometimes find itself engaged in activities which may not be strictly related directly to both civil liberties or human rights. One such issue is corruption. Corruption is not directly an issue of civil liberties and human rights, but it leads to, in many cases, serious and wide ranging suppression of both.

Though it is not possible to list issues that the PUCL can concern itself with and the actions that can be taken, we list below some important points:

1. The Police - Police firings
 - Torture
 - Deaths in custody
 - Encounters
 - Repression of democratic movements
 - Collusion with vested interests
 - Role in communal conflicts
 - Misuse of Cr.P.C., I.P.C., etc.
2. Jail and custody conditions - Compliance of guidelines issued by the NHRC/Supreme Court from time to time
3. Political prisoners - Arrest made under laws violating human rights
 - Pending cases, without trial
4. Rural poor - Repression of struggles for minimum legal rights
 - Non-application of Tenancy Acts
 - Alienation of lands
 - Exploitation by landlords, traders etc.
 - Oppression of scheduled castes and tribes
5. Industrial workers - Repression of strikes²
 - Problems on shop-floor
 - Pollution at work place, etc.
 - Displacement caused by semi-mechanisation. (PUCL as a rule does not get involved in inter-trade union rivalry unless the police intervenes.)
6. Unorganised workers
 - urban - Rickshaw pullers
 - Construction labour
 - Domestic servants
 - Slum and pavements dwellers
 - Child labour

 - rural - Miners
 - Child labour
 - Construction workers
 - Contract labour at industrial site
7. Tribals - Impact of development policies
 - Industrialisation
 - Land alienation
 - Displacement
 - Rehabilitation

2. As a rule, the PUCL does not get involved in inter-trade union rivalry or intimidation of an individual by another in individual capacity. But in each of these cases, if the police or State apparatus intervenes, or deliberately ignores basic legal rights, then it becomes an issue where the PUCL can intervene.

- Exploitation of natural resources
 - Suppression of other rights
8. Dalits - Practices of untouchability
 - Denial of access to social customs and traditions, or places of worship, etc.
 - Oppression and exploitation of women
 - Connivance of police with upper-caste and vested interests
 - Denial of Reservation, wherever applicable
 9. Women - Rights affecting both economic and social conditions
 - Dowry deaths, rape, molestation
 - Supreme Court guidelines on sexual exploitation of women at workplace
 10. Press - Attacks on journalists
 - Intimidation of editors
 - Attempts at censorship
 11. Judiciary - Problems of lower courts (delays, favouritism, etc.)
 - Monitoring judgements that affect vulnerable sections like children, unorganised labour, dalits, etc.
 - Monitor cases taken up by PUCL and fraternal organisations
 12. Universities - Intimidation of dissenting intellectuals
 - Discrimination against *Karmacharis*
 - Persecution of politically conscious students and teachers
 - Non-enforcement of rights of the Scheduled Castes and Tribes students
 - Ragging
 13. Environment - Rights over natural resources
 - Pollution - air, water, noise, etc.
 - Deforestation
 - Displacement caused by dams, industries, mining, etc.
 14. Culture - Attacks on individuals and cultural groups
 - Intimidation of minorities and tribals keen on maintaining their cultural autonomy
 - Fighting censorship
 15. Communal conflicts - Role of administration, police, State, and Central governments
 - Role of individuals, groups and political parties in abetting the communal elements and rioters.

These are some of the issues that the PUCL has been taking up and that form the central thrust of PUCL's activities. The central focus has to be on how the State and its agencies undermine the rights of the people, directly or indirectly.

Intervention strategies

Interventions can be made in several ways:

1. Public meetings
2. Demonstrations
3. Investigations
4. Press statements
5. Cases filed in Court
6. Cases taken up with State Commissions or other institutions at the National level like the NHRC, NCM, NCW, etc.
7. Assisting local mass organisations towards mobilising the poor
8. Holding conventions of activists working among the poor and the underprivileged with a view to developing new perspectives and understanding of civil liberties issues.

It has become increasingly necessary for us to go deeper into these issues each time we investigate them. What has been the history of the issue? What are the social and political forces which gave rise to its occurrence?

We should guard against the tendency to take up an issue for investigation, publish the report, and then forget about it. If our intervention has to have some meaning, it is imperative that wherever possible, the issue is regularly followed up and, if necessary, the intervention of the Court sought.

In the context of filing cases in Court, it has become necessary for us to activate the lower Courts. The trend to bring all cases to the Supreme Court is not only crowding the highest Court but is not creating the radicalisation and sensitivity in the lower Courts. Legal aid for public interest cases is now available almost all over the country and should be made use of.

These are some of the elements that strengthen the activities of the PUCL and make them meaningful. Our efforts should be directed at getting more and more people involved in our work. It is only through these activities and the involvement of new people that an expansion of our role will take place. Lawyers, journalists, activists, and other concerned individuals can then help form new branches (district and city level). We need to greatly expand the scope and structure of the PUCL so we can best respond to the people's demand for justice.

FINANCE AND WORKING

As a matter of policy the PUCL does not accept money from any Funding Agency, Indian or Foreign. All the expenses are met by the members, the office bearers, and the activists from their pocket. For the expenses on the activities by the national office money is raised from sympathisers and members by way of donations.

Any voluntary organisation which is not 'funded' is always short of finances and, therefore, it cannot do many things that it would like to. It cannot pursue a matter to its logical end. In nutshell, the work of all such organisations is always, in a manner of speaking, incomplete. The PUCL believes that all such organisations have, therefore, to work in a sort of joint way. One organisation taking up a problem where the other left it. They also have to treat the Press as just another wing of the movement for civil liberties and human rights.

These are not 'enforceable rules', but should inform the approach of the PUCL activists everywhere. The PUCL is aware of its weaknesses and shortcomings. At the same time it is also aware that whatever it has achieved is because of the commitment and hard work of all its members, sympathisers, donors, etc. All over the country it doesn't have a single paid whole-time staff member. Even the national office works with the help of a band of part-time workers who are no less dedicated. In this connection it would be in the fitness of things to mention the names of Brij Lal, Mamta Sharma, Sharif Khan, Ratipal Singh, Valsala N, B P Bhatt, Babita Garg, Kavita Raj, Bindu Raj, Pramod Kumar Singh, Ashok Kumar, and Om Prakash who have kept the National Office running despite very meagre resources. Neelofar Haram is making valuable contributions as Researcher and Reporter. Pushkar Raj helps in the editing of the '*Bulletin*'. Our members, Jatin Zaveri and Sunil Ashra designed the computer lists of members. P. Govind Raj and Prateek Ranjan Sengupta of Caboodle Solutions designed the PUCL Reference Library Management System. Meera created the infrastructure of the National office.

PUCL on Internet:

The PUCL website <www.pucl.org> has been designed and is maintained by Sandeep Vaid. He is an old member from Mumbai. He meets all its expenses and acts as its moderator in close coordination with the National office. The site also has a Yahoo Club

PUCL has been able to focus on the problems of the weaker sections of the society. Jointly with CFD, it organised in December 1981, at Hyderabad, a conference of activist organisations engaged in the work at the grassroots level amongst tribals, agricultural labourers, bonded labourers, unorganised rural labourers, etc. The conference aimed at pooling their experiences in respect of the state of civil liberties. In all, representatives from 37 groups attended the conference and came in contact with each other. State level conferences of similar nature were held in 1983 in Tamil Nadu, Bihar, Madhya Pradesh, Andhra Pradesh, and Maharashtra under the auspices of the PUCL.

Guidelines for investigations

Whenever any incident falling within the objectives of the PUCL takes place or a situation is anticipated the organisation gears up at the appropriate level. Innumerable investigations, reports, reactions, protest marches, educative meetings, press statements, memoranda, publication of literature, etc., are on record. These concern suppression of civil liberties and human rights in general or concerning sections of the society (e.g. women, children, tribals, dalits, other deprived sections, agricultural labourers, bonded labourers, mine workers, slum dwellers, etc.).

It must be reiterated that the PUCL is not concerned with political matters, but only with the civil liberty/human rights aspect of a question or situation.

(A) Procedure for appointment of teams

1. An investigation team by a local branch can be appointed on some local issue.
2. An Investigation team by a state branch can be appointed on some issue or incident at any place in the state. If a local branch exists at that place, the state branch takes it into confidence and co-ordinates with it. The team should be appointed in a meeting of the Executive, or in consultation with the members of the Executive (if they live

in different cities and towns), after consultations between the President and the Secretary of the State Branch and the President/Secretary of the local branch concerned. In special cases, the President and the Secretary may take the decision and inform the Executive in the next meeting.

3. (a) All decisions to appoint investigation teams, etc., by a local or a state branch should be conveyed to the State/National office mentioning the issue, etc.

(b) Reports considered to be of national importance can be arranged to be released to the Press from Delhi in consultation with the National office.

(c) The report, upon completion, should first be submitted by the investigation/study team to the local/State/National office bearers who examine the report and make a decision in relation to any further action required.

(d) Four copies of the report should be sent to the National office.

4. An Investigation team by the National PUCL may be appointed on any issue or incident anywhere in the country. The state branch concerned is taken into confidence. All decisions in this regard are to be made by the National Secretariat in Delhi after mutual consultation. If the matter concerns Delhi only, the initiative rests with the Delhi PUCL. But if the issue is deemed to have possible national implications, the National Secretariat may take the initiative in consultation with the Delhi PUCL.

(B) Members qualified to be on the team

1. Only such people should be appointed who are known as persons of commitment to civil liberties, are objective, judicious, and above sectarian considerations. They should preferably be members of the PUCL.

2. Lawyers, retired members of the judiciary, journalists, college/University teachers, experienced activists would generally prove suited for this type of work. In case of a journalist member it should be made clear that the member would not write on the matter under investigation till the report is published, and she/he would not write anything at variance with the findings of the team after the publication of the report

3. Members should have team spirit. The number of the members of the team should not be very large.

4. No person connected with any of the parties to the dispute/incident under investigation should be included in the team.

5. A lawyer member of the team should not accept the brief of any party to the matter under investigation till the report is published. She/he would be expected to refuse the brief of the party at fault even after the report is published.

6. It is better to have at least three members on a team. No member, on their own initiative, should meet the witnesses separately.

(C) Investigation and writing of the report

1. During the investigation detailed notes should be taken and as many documents as possible should be collected.

2. As far as possible, all sides of the question or views of all the parties concerned should be examined or explored.

3. Preconceived notions and press reports, etc., should not be allowed to become the basis of the conclusions.

4. Wherever necessary, affidavits of the people/groups, adversely affected should be obtained. Attempts should be made to collect unimpeachable evidence.

5. Political rhetoric and unsubstantiated conclusions weaken the report and water down its effect.

6. Defamatory statements or statements which cannot be substantiated by facts should not be made. All facts and figures should be double checked. No enquiry is complete and, therefore, no report can take the form of a judgement.

7. For writing the final report all the members of the team should meet and prepare the report. It should be based on documents and on sound arguments. Conjecture and personal views are better kept out of the report.

8. Following the discussions, the draft should be finalised and signed by all the members. It is then to be handed over to the President/General Secretary of the local/State branch, or the National office, as the case may be. It is only they who can make the report public or take any other action on it.

Note: If the matter under investigation has wider implications, a report of a local branch can be arranged to be released by the State office.

Urgent action

In the case of an emergency where speedy decisions have to be taken as to whether or not to commit the PUCL to any action or to take any action in the name of PUCL, the President/the General Secretary may take an action after consultations. At the State level, if required, the President/the General Secretary should contact the National General Secretary. However when an occasion demands immediate action at the National level, the Advisor, the President, and the General Secretary are authorised to take such action or issue such statement, jointly or individually, on behalf of PUCL as they, preferably in consultation with each other, deem fit and proper.

Local PUCL journals

Any state branch, if it so wishes, can bring out its own journal, etc.

1. The decision to bring out the journals has to be taken by the local/State Executive.

2. The Declaration of the journal has to be in the name of the President or the General Secretary, as the Executive may decide, as the Publisher. The Editor should be appointed by her/him. The Editor is to be accountable to the Publisher.

3. The President or the General Secretary of the state branch would be the Printer and Publisher.

4. The President/General Secretary of the state branch would ensure that the aims and objects of the PUCL are correctly reflected in the journal.

5. It would be a good policy to carry, as much as possible, the matter published in the *PUCL Bulletin* published by the National PUCL from Delhi.

A copy of every issue should be sent to the National Office. All publications have to reflect the policies of the PUCL. It is the responsibility of the National office to ensure this.

Maintaining records of membership, etc.:

It is very necessary to maintain proper and regular records of membership as it is needed at the time of elections and Conventions.

The National office maintains every address on a card measuring 4 inches by 5 inches. This facilitates arranging the cards alphabetically and insertion or removal of addresses. State offices can arrange them district wise. If you observe the address label on the 'Bulletin, you will see a number on top of your name [Example: 01/7/99/MB]. This number on top of every address gives us postal division into the Capital city of the State and the rest (This you do not need). This is a postal requirement for bulk mailing of letters or the 'Bulletin). The second number is the month of joining, and the third number is the year when the subscription was paid. The alphabet(s) that follow are code(s) that denote(s) the type of membership. These codes are: Annual member of PUCL **M**;

Annual member and subscriber to the *PUCL Bulletin*: **MB**; Life member: **L**; Life member and subscriber to the *PUCL Bulletin* **LB**; Patron member: **P**; Patron member and subscriber to the *PUCL Bulletin*: **PB**; Student member or those belonging to economically weaker sections [clause 3(c) of the Constitution]: **S**; Institutions, Libraries, Offices: **I**; Donors: **D**. THIS NUMBER, HOWEVER, IS NOT THE ID OF A MEMBER.

The National office sends Demand note/Reminder for subscription, etc., to every individual member. If the member does not respond to two Demand notes, member's name is removed from the list. Sometimes, due to over work in the office, the demand note may be delayed; consequently, the deletion of the name is also delayed. A clarification about the three types of membership, i.e., *Yearly, Life, and Patron* is in order. These three types do not represent a hierarchy of membership. All members are equal. *Life* membership and *Patron* membership simply afford an opportunity to those who desire to contribute some extra money to the PUCL to strengthen its financial position. No membership carries any privilege. All members shoulder the burden of fulfilling the aims and objects of the PUCL as per the programme of the concerned branch. Also the PUCL does not issue any identity cards to its members as they are not supposed to take initiative independently.

'Journalism for Human Rights' Award & J P Memorial Lecture:

In order to bring awareness about Civil Liberties and Human Rights to budding print journalists and also to bring to light the dedication and the work of those among them already working in the area of human rights, etc., the PUCL instituted in 1981 a prize for Rs. 20000/- known as '**Journalism for Human Rights' Award**. A jury of prominent persons selected a journalist from amongst the entries received for his/her work for the Award. Another person was selected for a **Special Mention** and an Award of Rs. 5000/- From 1981 to 1985 the entire prize money was endowed by *India Today* published from Delhi. Later the prize money was collected every year by way of donation from members & sympathisers. The Award was however discontinued in 2003. A list is appended at the end.

Previous Winners

Swami Trivedi	for 1981 in 1982
Chaitanya Kalbagh	1983
Neerja Chawdhary (Ms)	1984
Shahnaz Anklesaria (Ms)	1985
Sheela Barse (Ms)	1986
Manimala (Ms)	1987
K. Balagopal	1988
Bharat Dogra	1989
Mukul	1990
Raju Mathew	1991
Sajan Abraham	1992
Jeemon Jacob	1993
Teesta Setalvad (Ms)	1994
P. Sainath	1995
Utpal Bordoloi	1996
Subhas Ganguly	1997
Kathyayini Chamaraj (Ms)	1998
Jyoti Punwani (Ms) & K R Meera (Ms)	1999
Sakuntala Narasimhan (Ms)	2000
Saswati Bora (Ms)	2001
Rani George (Ms)	2002
Dionne Bunsha (Ms)	2003
P K Prakash	for 2003 in 2004

A function is held every year on March 23, in which a JP memorial Lecture is delivered by some eminent person in the field of Human Rights and Civil Liberties. The function is held on this date as the Emergency was lifted in 1977 of March 23rd. This is PUCL's tribute to its founder, Jayaprakash Narayanan. All the JP Memorial Lectures delivered so far one available in book form.

Justice V M Tarkunde, who was a founder of the PUCL along with Jayaprakash Narayan and others, expired on March 22, 2004. The National Council decided to institute a *V M Tarkunde Memorial Lecture* to be held every year. It was decided to hold this Lecture on November 23 every year as the Constitution of the PUCL was adopted in an all India conference at Delhi on this date in 1980 under the Presidentship of Justice V M Tarkunde. The first PUCL *V M Tarkunde Memorial Lecture* was delivered by Prof Rajni Kothari on November 23, 2005 at Delhi.

SUMMARY AND SOME LANDMARKS

In brief we can say that the principal functions of the PUCL are:

1. To increase consciousness about and commitment to human rights and civil liberties among all sections of our people;
2. To provide a platform for all groups including political parties to come together for furthering the cause of human rights, even though the groups may have differences among themselves on other aspects of social and political life.
3. To energise and creatively use the existing institutions like the courts and the press, so that they may become more sensitive to the human rights situation in India; and
4. To intervene directly in cases where gross violations of human rights take place.

The PUCL has raised voice against various repressive laws and retrograde amendments to the Constitution. It has tried to find the causes of communal riots and tried to create amity amongst various sections of society. It has also organised observer teams at the time of Elections in sensitive constituencies. It has been active on environmental issues, especially for the rights of those affected adversely by 'development' projects. It has, from time to time, taken up issues to courts at various levels. The PUCL has, more than once, taken up the cause of pavement dwellers. It is specially sensitive to the oppression of dalits, minorities, women, and children.

The PUCL had formulated a Charter of Demands addressed to all national parties prior to the general elections in 1989. The practice has been kept up. This Charter is appended at the end (Appendix 1).

There is a common belief that those who believe in capturing power through violent means, having no faith in the existing parliamentary democracy or the Constitution, have no rights and liberties. PUCL thinks otherwise. While disagreeing with their methods and deploring their actions, PUCL maintains that conditions existing in the society are no less responsible for motivating people to alter them through violence. In certain cases their violence is retaliatory against that of the government. Rule of law has to be guaranteed to every citizen of the country. This is the basic test of civil liberties. The same is its attitude to criminals, prisoners, anti-social elements, etc. PUCL's point of view has been detailed in the document "Question of violence"(Appendix 2).

Some landmarks:

Most of our activities and involvements are reported in the *PUCL Bulletin*. Some of the important events on the human rights and civil liberties scene in the country in which the PUCL took initiative or lent its voice to can be mentioned in brief.

Right at the time of inception the PUCL requested Justice V. R. Krishna Iyer (Rtd.) to work on the preparation of a new **Prison Act** and Jail Manual. Simultaneously it started a campaign against the **National Security Act**. The immediate issue was that this act by was being used against Trade Unionists, and Madhya Pradesh had arrested Shankar Guha Niyogi, a well - know Union leader and an active PUCL member. During the same period the notorious case of brutalities against **Maya Tyagi** had taken place in U. P. The PUCL fought for the identification and punishment of the culprits.

The scourge of trafficking in women culminated in a journalist from Delhi buying a woman, **Kamala**, from Madhya Pradesh to demonstrate that the charge of trafficking was not a concoction. PUCL activists worked hard to expose the evil. Three persons, including Arun Shouri, the then General Secretary, approached the Supreme Court in an attempt to get a clear cut stand on liberalising *locus standi*. This was an important step in the sphere of **Public Interest Litigation**.

The *PUCL Bulletin*, in **October 1981**, published an analysis of custodial torture by the police alongwith a number of case studies. It also studied intimidation and violence in **Delhi University students' elections**. A detailed survey of prison conditions and **prisoner's rights** was done in November 1981. **Police terror in Nalgonda** in Andhra Pradesh was also investigated.

The PUCL organised a conference of representatives of students and youth organisation in **August 1981** in order to spread the Civil Liberties movements among the youth of the country.

The Bombay PUCL approached the High Court for staying the eviction of **pavement dwellers** in the midst of heavy down pore. It later moved the Supreme Court also praying for due notice and proper compensation to the evictees, in July 1981. It placed on record a rehabilitation scheme prepared with the help of expert urban planners. At the same time the PUCL was involved in forming public opinion on the question of **appointment of Judges and independence of judiciary**, which at that time centred round what came to be known as the “Judges Case”. Earlier the same year, the PUCL had organised a **campaign for academic freedom**.

In March - April 1982 the PUCL again campaigned against ‘**encounters**’ because of rising number of liquidations in Andhra Pradesh, Tamil Nadu, Utter Pradesh, and West Bengal. 1982 also saw a PUCL intervention for the protection of **Freedom of the press**. During the same period, various branches of the PUCL organised meetings to safeguard the civil liberties of **women**. The organisation of **Asiad Games** in Delhi gave rise to many issues including that of ban on demonstrations, the use of ESMA, and use of child and bonded labour. The PUCL and its members, alongwith some other organisations, were in the forefront of the protests against these.

In 1983 the PUCL was a part of a detailed study on **child labour in Sivkashi**. A high - powered PUCL team consisting of V M Tarkunde, Kuldip Nayar, and K G Kannabiran brought out a detailed report after touring **Assam**, in the wake of large scale blood-shed, in March 1983. The **Bhatti sand mines** in Delhi were the subject of a detailed PUCL investigation because of a number of deaths of labourers that had taken place. The Bombay PUCL organised a memorandum on the persecution of reformist **Bohras** to Prime Minister Indira Gandhi.

1984 saw the PUCL campaigning against **death penalty**. Also, in the month of September the TDP government in Andhra Pradesh under the leadership of N. T. Ramarao was challenged by a rebel minister and was dismissed. The new Chief Minister was asked to show majority on the floor of the House. 130 MLAs loyal to NTR crossed into Karnataka to escape harassment. They came to Delhi also and met the President. At their request, the PUCL organised an **escort team to take them to the Assembly premises**, from the borders of Karnataka, where they could not have been arrested or otherwise harassed. The escort team consisted of, amongst others, K. F. Rustamji and Arun Shourie. The group of MLAs was safely escorted.

From October 31 to November 3, 1984 there were large scale killings of Sikhs in the wake of assassination of the then Prime Minister Indira Gandhi. In Delhi a joint team of People’s Union for Democratic Rights and People’s Union for Civil Liberties published a report titled **Who are guilty?** after detailed investigation and collection of evidence.

Various branches of the PUCL, especially the Delhi and Madhya Pradesh PUCL , actively participated in the protests connected with the **Bhopal gas tragedy** in which thousands were reported to have been killed due to leak of poisonous gas from the plant of Union Carbide factory on January, 3, 1985.

On August 1, 1985 some members of Parliament maligned PUCL and PUDR in the House saying that these organisations were **agents of the CIA**. The General Secretary of the PUCL, Dr. Y P Chhibbar, wrote to Shri Balram Jakhar, Speaker of Lok Sabha, terming the allegation as totally baseless and requested him to obtain the “definite proof” which one member had claimed he possessed, and to make it public, so that the PUCL could proceed further in the matter. The General Secretary also requested the speaker to read out his letter in the House. Of course, nothing was done.

In September, 1985 the Citizens for Democracy prepared a report, **Oppression in Punjab**. The authors of the Report were members of the PUCL also. The booklet containing the report was released on September 9. On 10th September it was banned. The authors were Amiya Rao, Sunil Battacharya, Aurobindo Ghose, Tejinder Singh, and N. D. Pancholi. V.M. Tarkunde had written the foreword. N. D. Pancholi and the printer were arrested and charged with “sedition” and “fomenting communal disorder”; all copies and the manuscript were confiscated. The anticipatory bail petition for Amiya Rao, Aurobindo Ghose, and Tejinder Singh was rejected by the Delhi High Court. An application was moved in the Supreme Court. Justice V. D. Tulzapurkar and Justice V. B. Eradi heard the petition for about a week. Justice Tulzapurkar favoured the bail but Justice Eradi was against it. A compromise was suggested. Amiya Rao was granted bail and the application for Aurobindo Ghose and Tejinder Singh was withdrawn. Ghose and Singh were arrested on September 28th. The case was thrown out by the Additional Chief

Metropolitan Magistrate G P Thareja. The action was widely condemned throughout the country. The judgement is a landmark document.

May 1987: A PUCL team consisting of Rajindar Sachar, I.K.Gujaral, A.M.Khusro, and Dilip Swami went to Meerut to investigate the communal riots in **Hasimpura**, Meerut and other areas. Also in the same year the General Secretary protested against the **Impounding of the passport** of the editor of *Dalit Voice*, V T Rajshekhar. **Army atrocities in Manipur** were highlighted.

1988 saw PUCL taking a leading part in the struggle opposing the obnoxious practice of **Sati**. It protested against the burning of Roop Kanwar. It actively supported the march to Deorala by its National Council member, Swami Agnivesh. It also protested against the proposed **59th Amendment** to the Constitution. The Janata government, through the 44th Amendment to the Constitution, had barred the suspension of the right of life and liberty in an Emergency. The 59th Amendment introduced on March 14, 1988 aimed at undoing it. It sought the power to suspend Article 21 in respect of whole of India under the excuse of the situation in Punjab. PUCL also opposed the **Hospitals and Other Institutions Bill**. There were also protests against police brutality in M.P., Bihar, and West Bengal.

In 1989 there was an enquiry into the anti-Sikh flare up in **Bidar (Karnataka)**. Protests against atrocities by the Assam Rifles at Oinam, **Manipur** were prominent. Inquiry into AMU and Aligarh town **communal flare up** was taken up. **Kashmir** visit by VM Tarkunde, Rajindar Sachar, Amrik Singh, Inder Mohan, ND Pancholi, and others resulted in a comprehensive report. Investigation into violence in Jehanabad (Bihar) was also undertaken.

In December 1990, the Bihar PUCL presented an enquiry report to the Commission of Enquiry into **Bhagalpur disturbances**.

January 1991: Report on communal riots in **Aligarh**. March 1991: A writ-petition was filed in Supreme Court against **phone-tapping**. April 1991: A joint letter was addressed to the President against mass-rape by armed forces personal in **Kupwara, Kashmir**.

Human Rights and *Narmada Bachao* movement are a recurrent theme. Relief and rehabilitation has been a frequent subject of discussions and investigations jointly with other organisations.

September 28, 1991 murder of **Shankar Guha Niyogi**, a member of the National Council, was a great loss to the PUCL. December 1991, Home Minister S. B. Chavan stated in the Parliament that **Amnesty International and PUCL** appeared to be under the influence of people hostile to the country. The provocation was the PUCL's demand for a judicial inquiry into the alleged rape of a number of women in Kunan Posphora (Kashmir) in February 1991.

August 1992: Madhya Pradesh Chief Minister branded **PUCL as anti-national**, alongwith certain other organisations, which were conspiring to break the country into two. November 1992: the PUCL formulated pre-conditions for a purposeful **National Human Rights Commission**. December 1992: Demolition of Babri Masjid and subsequent anti-Muslim violence at a number of places especially engaged the attention of the national office bearers and concerned State branches. **Communal riots in Mumbai** and its aftermath engaged the Bombay PUCL.

October 1993: **Taslima Nasreen** of Bangladesh was condemned to death by some religious fanatics. PUCL condemned this type of terrorism. On 28 September, 1993 the **Protection of Human Rights ordinance** was promulgated to replace the Protection of High Rights Bill of 1993. Subsequently the **Protection of Human Rights Act, 1993** was passed by the Parliament . It received President's assent on 8th January, 1994. The National Human Rights Commission came into being retrospectively with effect from 28th September, 1993. The PUCL decided to co-operate with the National Human Rights Commission. At the same time, it decided, that it would continue to work for suitable changes in the PHR Act to make the Commission more powerful and purposeful. The *Amrita Bazar Patrika* published a news item on December 21, 1993, quoting Union Home Ministry sources, saying that Rashtriya Swayam Sewak Sangh and the PUCL were amongst the organisations that received **foreign funds**. PUCL President, Rajindar Sachar sent a denial to the '*Patrika* and a letter of protest to SB Chavan, Home Minister, demanding a denial. There was no response.

March 1994: **Supreme Court upheld TADA**. The PUCL expressed its disappointment over the judgement. July 1994: PUCL was awarded **First MA Thomas Human Rights Award** instituted by the *Vigil India* movement. November 1994: **Nagpur police lathicharged** a huge demonstration of Aadivaasis. Consequently there was a

stampede which resulted in the death of 130 persons. This action was strongly condemned as the gathering was not violent.

May 1995: Supreme Court lay down that without the permission of a magistrate **handcuffs and fetters** could not be put on a convict or any person under trial. July 1995: **TADA** was allowed to expire. Provisions of TADA were attempted to be incorporated in Criminal law. The President of the PUCL was invited to depose before the Committee of the Home Ministry on the **Criminal Law Amendment Bill**. The Delhi State PUCL had filed a well documented case in the high Court on the corrupt practices indulged in by the Director of the **G B Pant Hospital**. He was indicted and later removed. In December the Supreme Court watered down the Mumbai High Court Judgements relating to **corrupt practices in elections** by Manohar Joshi and some others. In the same month General Secretary wrote to National Human Rights Commission on the plight of **Chakmas**. The latter moved the Supreme Court which granted an interim stay directing the State of Arunachal Pradesh not to oust the Chakma refugees from the state.

February 1996: UP High Court awarded compensation to those of **Uttarakhand** agitators and their next of kin who were molested, raped, injured, or killed at Muzaffarnagar by the police action. UP PUCL President and other activists had appeared for the petitioners as the petition had drawn heavily from the detailed reports that were prepared and published by the State PUCL.

November 1995-August 1996: APCLC and PUCL presented written arguments before the National Human Rights Commission on **custodial deaths in Andhra Pradesh**. In July, 1996 the Bombay PUCL moved the High Court on the **work conditions of the sewage workers**. The High Court approved the scheme formulated by the Occupational Health and Safety Centre and the PUCL. The national General Secretary later wrote to the National Human Rights Commission suggesting the implementation of the scheme in other States also. The National Human Rights Commission accepted the suggestion and took up the matter with the Secretary, Welfare, GOI and the Chief Secretary, government of National Capital Territory, Delhi.

August 1996: firing at **Regional Medical College, Manipur** was investigated by the State PUCL. September 1996: the Supreme Court directed the concerned Punjab Court to try **K P S Gill** for offences under sections 354 and 509 of the I P C. K P S Gill was sentenced. He had frequently attracted the adverse attention of the State PUCL as well as the national office bearers because of his anti-human rights attitude*.

January 1997: The Srinagar branch of PUCL, filed a petition in the High Court highlighting the issue of corruption in the higher reaches of administration.

The Andhra Pradesh Civil Liberties Committee (APCLC) and the PUCL appeared before the NHRC and submitted a detailed report on 285 cases of false encounters in Andhra Pradesh.

AP PUCL prospected against the inaction of the State government regarding the killing of Parag Kumar Das in broad daylight in the heart of Guwahati.

Tamil Nadu PUCL filed a petition before the High Court regarding the pass and scope of the Designated Human Rights Courts as provided in section 30 of the Protection of Human Rights Act 1993.

A writ was filed by PUCL in the wake of the report on 'tapping of politician's telephones'. While arguing the case before the high court Mr. Rajindar Sachar contended that, the right to privacy is a fundamental right guaranteed under article 19 (1) and article 21 of the constitution of India. He further argued that no procedure has been prescribed for the exercise of the power of the section 5 (2) of the Indian Telegraphy Act 1855.

Agreed with the contention of the PUCL Council, the court ruled that definite norms should be formulated and the orders for telephone tapping must be issued in exception circumstances by very high officials.

The Supreme Court delivered a landmark Judgment on a Manipur PUCL writ petition of 1992 regarding a fake encounter. The Court said that the "provisions to the International Covenant on Civil and Political Rights which elucidate and effectuate the fundamental right granted by the Constitution can certainly be relied upon by the courts as facets of those fundamental rights and hence are enforceable as such". The Judgment was delivered on February 5' 1997.

The Convenor of the Orissa PUCL, Guru Mohanti was appointed by the Orissa High Court to assist the court in a case regarding ragging in certain educational institutions in the state. The court took a strict stand against such offenses and on the report of the Guru Mohanti delivered severe punishments to the culprits.

The PUCL continued its fight against the lawless actions of the Punjab Police. The actions of the police in the case of Jaswant Singh Khalra were condemned at various Fora. One of the main police officers responsible for such actions was the notorious cop K.P.S.Gill.

Prominent writers and intellectuals in Tamil Nadu came together on the initiative of the PUCL to investigate the Caste Riots in Kamaraja district of Tamil Nadu. Their report severely condemned such divisive tendencies.

The PUCL intervened in a case filed by Sri A.C.Pradhan in the Supreme Court under Article 32 of the Constitution relating to voting rights of prisoners under trial. Sri Pradhan and PUCL as the intervener pleaded that the under trial prisoners should be given voting rights. Sri Rajinder Sachar And Sri Sanjay Parikh represented the PUCL. The Supreme Court did not accept their plead and dismissed the writ petition.

One of the most sad developments by the end of 1997 was in the ongoing case of Vineeta Gupta, a member of the National Council from Punjab. She had earned the ire of the Punjab Government as being a doctor in Government Services, she had reported against the Minister of State for Health in Punjab for alleged molestation of a female officer in his office. The case was represented to NHRC and the then chief of NHRC, Justice Ranghnath Mishra said in a public meeting at Ludhiana that in this case the NHRC was feeling helpless as the Punjab Government was not listening to it. As a protest, Vineeta Gupta resigned from the post of medical officer in 1997.

The Kerala High Court delivered a Judgment in early 1997, saying that *Bandhs* were an infringement of Civil Liberties of People. The Supreme Court affirmed the decision of the Kerala High Court. The PUCL opposed these judgement. The opinion in PUCL was that the call for a general strike is a democratic instrument of protest as long as it is peaceful.

The *PUCL Bulletin* continued to give space to article opposing the death sentence and also opposing the court decisions on *bundhs*.

The Punjab PUCL, filed a criminal writ petition in the High Court of Punjab and Haryana at Chandigarh under Article 226/227 of the Constitution of India praying for directions for removing the instruments of torture kept at most Police Stations, CIA Staff Offices, Interrogation Centres and Police Posts in the state of Punjab such as *Ghotaanaa, Pattas, Shikanjaas*, Chains, ropes, voltage regulators etc. Justice R.L. Anand. delivered a landmark Judgement and ordered that all such instruments should be removed forthwith. He went on to say that though the petitioners “ have sought the relief *qua* the state of Punjab, the relief can equally be made available not only to the state of Punjab but also to the state of Haryana and UT Chandigarh”. The Judgement was reported in the August’ 1998 issue of the bulletin and sent to NHRC by the PUCL.

The PUCL approached the Press Council Of India regarding the termination of the contract service of Shri H.K.Dua as editorial advisor by the Times Of India. A case was made that this was an attack on the freedom of press. The Press Council of India took up the case.

The Delhi state PUCL took up the case of deportation of alleged ‘Bangladeshis’ from various states.

The Delhi PUCL based on its experiences of working in the *bastis* of Delhi stated that the whole campaign of identifying and deporting was conducted in such a way that it was nothing but a communal campaign and a large number of Indian Muslims speaking Bengali have also been herded and sent for deportation. It had become a campaign against Bengali speaking Muslims

The Delhi PUCL visited the police stations at Tilak Marg, Parliament Street, Tuglak Road in October’ 1998 to see if the orders of the Supreme Court in D.K.Basu, December’ 1996 were being followed. The orders had prohibited the use of third degree methods against suspects kept under police custody. The orders also prescribed guidelines for the benefit of detainees to be notified at a conspicuous place. The team led by Justice Maharotra, President of Delhi PUCL found that these police stations were not following the said orders.

The Press Council of India in the case of HK Dua Vs *Times of India* filed by the PUCL censored the newspaper for a

campaign against Mr. Dua and for publishing distorted statements in connection with the case. It was also recommended that the gist of the council's adjudication be published in the columns of the newspaper as prominently as the other side of the story was published by it.

The International Press Institute and the India Country Report of the Commonwealth Press Union condemned the Press Council of India and its chairperson for their stand on the question of private ownership and freedom of the press in India. The chairperson of the Press Council has maintained that private business interests were a danger to the freedom of the press. K.G.Kannabiran, President and Y.P.Chibber, General Secretary of PUCL supported the Press Council and lamented the fact that no newspaper in Delhi (all owned by private business concerns) published any statement defending the Press Council or its chairperson.

The complicated situation in Andhra Pradesh involving the CPI(ML) group, PWG and the question of violent methods has all this while been treated as a mere law and order problem. In early 1997, a group of 15 citizens in Andhra Pradesh came together to form the *Committee Of Concerned Citizens* in order to attempt to reflect the voice of a large democratic section of society denying it any role in the ongoing conflict between the state and the 'Revolutionary' parties. This Committee has retired IAS Officer S.R.Sankaran who was one of the 8 IAS Officers who were abducted by the PWG and for whose release the state government had sought the good offices of the PUCL president K.G.Kannabiran. The Committee is an ongoing affair and is working hard to bring the two parties to the negotiating table.

The National Human Rights Commission appointed an Advisory Committee to suggest to it changes in the Protection of Human Rights Act' 1993. this Committee invited suggestions from citizens. The National Council of the PUCL appointed a sub-committee consisting of V.M.Tarkunde, K.G.Kannabiran and Y.P.Chibber to draft and make suggestions to the Advisory Committee (Rajindar Sachar was appointed to this Committee but he had later withdrawn as he was the member of the Advisory Committee appointed by NHRC). The PUCL sub committee forwarded its views to the NHRC Advisory Committee in December' 1998.

V.M.Tarkunde, the doyen of Human Rights Movement in India, completed 90 years on 2nd July' 1999. Felicitation functions were held at a large number of places in the country and a volume was bought out in his honour by the Indian Radical Humanist Association titled " V.M. Tarkunde – 90, A Restless Crusader For Human Freedom". The PUCL at the National level and many of its branches in different states held meetings to felicitate him.

The continuing controversy with regard to ' Impunity In Punjab' continued to attract attention of Human Rights activists all over the world. The PUCL bulletin repeatedly devoted space to question this suggestion of the notorious Punjab Police officer KPS Gill. This is an attempt to cover hundred's of unlawful killings by the police in Punjab.

The Government of India requested the Law Commission to examine the Criminal Law Amendment Bill 1995 along with the proposed official amendments. The Commission prepared a working paper containing international comparative exercises and its recommendations. A seminar was organised on December 20, 1999 presided over by Justice J S Verma, chief of the NHRC. The general secretary of the PUCL, Dr. Y P Chhibbar, wrote to the Law Commission that the PUCL was opposed to the idea of any form of penal legislation that creates special procedures for combating terrorism. The PUCL therefore declined to participate in the seminar. Some comments on the proposed legislation by the PUCL President K G Kannabiran were however sent to be put on record.

The PUCL along with other organisations like the All India Federation of Organisations for Democratic Rights strongly protested into the incidents of communal violence against Christians in Gujarat, Maharashtra, Madhya Pradesh, and Orissa.

The Tamil Nadu PUCL along with the People's Watch and other organisations organised a Public Inquest into the alleged police excesses 17 persons in Tirunelveli.

The last months of 1999 saw severe police harassment of Bishop Dr A George Ninan and Dr James Massey for the stand they took following the murder of Gramham Stains and his two sons in Orissa. Justice Rajindar Sachar, Bishop Karan Masih of CNI, E Deenadayalan, Philip Yadhav and others staged a sit in protest outside Maharashtra Sadan in Delhi.

An Indian Airlines plane was hijacked on December 24, 1999 with a 178 passengers and 11 crew members. The hijackers demanded the release of one Maulana Masood Azhakar. The PUCL appealed to the hijackers not to put

189 lives at stake for the sake of one person.

A team consisting of Justice Sachar, Shri Kuldip Nayar, Shri Ved Bhasin, and Shri Balraj Puri visited Srinagar in January 2000. The team raised the question of human rights violations in the State. It was pointed out that out of 19,000 habeas corpus petitions only 2000 were heard, the rest became infructuous because of the expiry of the period of detention.

The PUCL condemned the opposition to the shooting of the film *Water* in Varanasi.

A senior member of the PUCL, Asghar Ali Engineer, was attacked at the Mumbai Airport by the suspected followers of the Bohra Chief Priest, Syedna. The attack was condemned by the PUCL General Secretary in March 2000 issue of the *Bulletin*.

The Tamil Nadu PUCL exposed the State Police for the "Encounter" death of Raveedran at Dharmapuri.

The Karnataka PUCL and some other organisations published a report on the communal situation in Bababuddangiri.

PUCL's website: <www.pucl.org> was designed and put into operation by Sandeep Vaidya.

Clippings in the PUCL Reference Library of important newspapers from Delhi on issues concerning Human Rights were thrown open for research facilities.

The Andhra Pradesh PUCL condemned the lockup death of Kona Krishna Kumari in May 1999 at the Mahila Police Station of Vijayawada.

The Tamil Nadu PUCL published a report on the death of Nathan in police custody in Chintadripet.

The National Human Rights Commission upheld the complaint of Jamshedpur PUCL and held Tata main hospital guilty of negligence.

The NHRC also awarded a compensation of two lakh rupees to the next of kin of Ajay Tiwari who was beaten to death in Ranchi Mansik Arogyashala.

The Punjab PUCL and Insaaf International took issue with the corruption of world bank funded Punjab Health Systems Hospitals.

The massacre of 35 Sikhs at Chhatisinghpura in Kashmir on March 20, 2000 and the subsequent handling of the situation was criticised by the PUCL.

The Allahabad High Court issued a mandamus, directing the State of UP to complete the formality to constitute a State Human Rights Commission within 3 months. The judgement was delivered as a sequel to a writ petition filed by the U P PUCL.

Delhi PUCL condemned the police brutality on the students of Shafiqur Rehman Kidwai hostel of Jamia Milla Islamia University of Delhi.

The Committee of Concerned Citizens of Andhra Pradesh initiated talks with the State Government to end the climate of violence and brutalisation under the leadership of S R Sankaran and K G Kannabiran.

The Bihar PUCL exposed the brutalities of the police in Murlichak Musahari, Patna.

A joint team of many organisations reported on the attacks on minorities in areas of Uttar Pradesh.

The M A Thomas National Human Rights Award for the year 2000 was bestowed on Justice Tarkunde.

A case of fake encounter at Sakchi Meenapur in Muzaffarpur district of Bihar was looked into by Bihar PUCL.

The Delhi PUCL issued a report on police harassment of Bengali speaking Muslims under the garb of in the name of Bangladeshi infiltrators.

The Bihar PUCL published a report on police atrocities against women in Senari village of Jehenabad.

K G Kannabiran wrote to the Chief Minister of Orissa against police firing on Tribes on December 15, 2000.

Prabhakar Sinha, Vice-President of Bhar PUCL, wrote to the Chief Justice of Patna, High Court objecting the invitation from a judge of the Patna High Court who was enquiring into the fodder scam, to the accused of fodder scam to the accused of hidden scam Lalu Prasad Yadav, to a function he had posted.

The Bihar PUCL wrote a report on the inhuman conditions in Dhanbad district jail.

The PUCL Bulletin continued to bring to public attention on the issue Hashimpura killings by the Uttar Pradesh Public Service Commission.

Bihar PUCL published a report on Police firing in village in Dhanbad.

The Delhi PUCL enquired into and published a report on the killing of a person in broad day light by the police in new Seelampur.

The National office of the PUCL rescued a 20 year old newly married Tribal woman of Bihar who had lost her way in Delhi with the help of Devkala Devi, the w/o an employee of the Apartment Complex where the office is located. Her family was traced with the help of the Begusarai PUCL in Bihar.

The Jamshedpur PUCL issued a report on the Tapkara police firing.

Nagasaila and V Suresh highlighted the perils of working women inflicted on them in the shape of sexual harassment.

The Karnataka PUCL protested against the enactment of Karnataka Organised Crime Bill.

The Bihar PUCL wrote a letter to the Patna High Court, Chief Justice citing instances of biased arrests and consequent cases in the State.

Representatives of 10 organisations including the PUCL took up the case of continues sexual harassment of a woman Dalit judge in Rajasthan.

Bihar and Jharkhand PUCL published a report on the encounter between the police and the group of Mohd. Shahabuddin at Pratappur in Siwan district on March 16, 2001.

The PUCL completed 25 years of its existence in November 2001. The National PUCL and the Delhi State branch marked the day at the Constitution club where its former General Secretary and the Vice President of India at that time, Shri Krishan Kant, was the Chief Guest.

The Ajmer PUCL reported on human rights violation at Naseerabad.

The Rajasthan PUCL filed a writ in the Supreme Court on famine death. The case and its offshoot issues are still being heard.

The General Secretary wrote on the Prevention of Terrorism Ordinance (POTO) and the PUCL Bulletin continued to write against laws like TADA and POTO, etc. Shri Kannabiran wrote in the issue of January 2002.

The Uttarakhand PUCL published a report exposing the claims of rehabilitation of the people uprooted in the Tehri Dam area, in January 2002.

The National Human Rights Commission, on a compliant from Shri S Bhattacharjee, President, Jamshedpur PUCL,

deputed Shri Chaman Lal I P S (Rtd) to visit the Sakchi jail. Shri Chaman Lal in his comprehensive report described the State of affairs as sad.

The PUCL condemned the attack on the Parliament House and expressed its sympathy with the families of those who's sacrificed their lives in the attack.

On a representation from Dr Y P Chhibbar the National Human Rights Commission formulated guidelines on the subject of availability and supply of reading materials to prisoners in Jails all over the countries.

The PUCL Banda (U.P.) fought against the gang rape by police persons of a 14 year old girl.

The PUCL registered its anger on the carnage at Godhra and other places in Gujarat. The President of the PUCL sent a letter to the Rashtrapati and General Secretary wrote in the '*Bulletin*'. Other organisations also registered their protest. It may be mentioned that J S Bandukwala of the PUCL was one of the worst suffers.

Chhattisgarh PUCL brought out a report on police atrocities in Jagdalpur in Nagarnar.

The Chitrakoot PUCL in U P brought out a detailed report on atrocities on Dalits.

The PUCL and another party filed a petition in the Supreme Court for ensuring clean elections and secured a land mark judgement saying that the candidates will file a declaration of the assets of the family and pending offences of a certain type in the Court.

Shri P S Appu a former civil servant wrote to the PUCL informing that he had written to the president about the agonising situation in Gujarat fraught with disastrous consequences.

Orissa PUCL and some others brought out a report on police atrocities in the district in Boudh.

A public hearing on torture, degrading treatment and sexual abuse of children was held in Chennai by a group of activists including Ms. Sudha Ramalingam of the PUCL.

Activists of Kerala PUCL and some others initiated in Plachimada in Chittoor Taluk, Palakkad District against the Hindustan Coco Cola factory.

The Karnataka PUCL published a report on Communal disturbances in Kodagu and other areas.

The Bihar PUCL published a report on killings of Rajasthani labours by the Ranveer Sena. It also published a report on killing of Dalit at Bhadaura.

The Uttarakhand High Court admitted a writ petition of the UP-Uttaranchal PUCL asserting that the right to development was a Human Right.

The Jharkhand PUCL published a report on killing and injuring of Tribals at Tapkara, Ranchi District.

The Bihar PUCL published a report on the rape of 3 Adivasi girls in Nalanda district. It also published a report on a fake encounter resulting in the killing of one Surendra Bhagat.

K G Kannabiran on behalf of the PUCL and K Balagopal on behalf of Human Rights Forum of Andhra Pradesh responded to the questionnaire issued by the Committee on reform of Criminal Justice System.

Anti Coco Cola struggle in Kerala continued and the latest development was published in the '*Bulletin*' of November 2002

The efforts of the U P PUCL for the establishment of State Human Rights Commission in U P continued and the Commission was established on October 7, 2002.

An 8 memebtrs Tribunal comprising J J V R Krishna Iyer, P B Sawant, H Suresh, Adcovate K G Kannabiran, Ms

Aruna Roy, K S Subramaniyan, Ghanshyam, Tanika Sarkar, Sa as concerned Citizens Tribunal Heard the victims of events following the Godhra tragedy in Gujarat and produced a report of more than 500 pages with another report to follow. The *'Bulletin'* of January 2003 published an abridged version.

Five Dalits were lynched by a mob at the Duleena police chowkie near Jhajjar in Haryana.

Orissa PUCL investigated and published a report about police atrocities on the villagers of district Boudh.

Bihar PUCL investigated and reported on police firing at Munjhaul in the *'Bulletin'* of March 2003.

The Bihar PUCL also published a report on a fake encounter in Aashiaanaa Nagar.

The efforts of the PUCL and the association for Democratic Reforms to make elections cleaner bore fruit on March 13, 2003 when the Supreme Court reiterated the right of the voters to know about the candidates. The efforts of these organisations were recorded in the *'Bulletin'* of April 2003 by Y P Chhibbar.

The continuing efforts of the Committee of the Concerned Citizens for opening a dialogue with the CPI-ML-PW again found space in the April 2003 issue of the *'Bulletin'*.

The PUCL Bhubaneshwar and Cuttack published a report on the illegal detention and custodial torture of one Lotus Samal.

A 2 day Convention at Hyderabad called by PUCL, APCLC, HRF and OPDR was held to oppose POTA.

The *'Bulletin'* of July 2003 published an article on the need of some sort of structure, like the Press Council for the print media, to oversee the content and working of the electronic media.

The July 2003 issue of the *'Bulletin'* published Ravi Kiran Jain's letter on the need to form a National Forum for Independence for Judiciary.

Mohammed Wajihuddin wrote an Article condemning a crossly communal film which underlined PUCL efforts with the National Human Rights Commission on the content of the films promoting custodial Crimes, violence against women, lampooning police, etc. The General Secretary had been writing to the National Human Rights Commission in this regard.

The Bihar PUCL complained to the National Human Rights Commission about the rape of a female inmate in Sasaran Jail resulting in pregnancy reported in October 2003 issue of the *Bulletin*.

Justice V R Krishna Iyer wrote in the November 2003 *'Bulletin'* against the ban of strikes.

The General Secretary condemned the reaction of the speaker of the Tamil Nadu State Assembly sentencing five journalists of The Hindu and one of the Mulasoli to 15 days jail is nothing but contempt of the Indian Constitution.

The Karnataka PUCL investigated the encounter deaths of PWG activists in Udupi district.

The Smyukta Sangharsha Morcha of Uttarakhand pleaded for the impeachment of J J Verma and Ghildiyal of the Uttaranchal High Court for their judicial 'Misbehaviour'. Ravi Kiran Jain, President of the Uttar Pradesh PUCL before the partition of the State, wrote in this regard in the *'Bulletin'* of January 2004.

A team of the national PUCL investigated the killing of two Dalits in district Saharanpur of U.P.

Killing of 6 persons in district Arwal of Bihar was investigated by the Bihar PUCL.

The Karnataka PUCL prepared a report on the trans gender community which was published in the March 2004 *'Bulletin'*.

Justice Tarkunde expired on March 22, 2004. Special articles were published in the PUCL *'Bulletin'* of April 2004.

Condolence meetings and messages on the death of V M Tarkunde were covered in the April 2004 *'Bulletin'*.

Messages on the death of Justice Tarkunde continued in the May 2004 issue also.

The PUCL welcomed that the UPA Government included in its CMP the repeal of POTA and the General Secretary wrote to the Prime Minister on May 25, 2004 in this regard.

The Orissa PUCL wrote a detailed report into atrocities on Christians in the Jagatsinghpur district.

The National Human Rights Commission on a letter from the General Secretary regarding callous and inhuman attitude of the R K Puram Police of Delhi, conveyed to the PUCL that the concerned police officer was warned.

The Jharkhand PUCL protested to the Zeen News channel about the inaccurate reporting on 'Lynching of Naxals and their supporters' in a telecast on October 11, 2003. The letter of Nishant Akhilesh were published in the August 2004 *'Bulletin'*.

A Bihar PUCL reported on another massacre, this time in Benar village in Nalanda district

The General Secretary wrote to the NHRC regarding the alleged rape of Th Manoramadevi in Manipur by the personal of the Assam rifles, September 2004 *'Bulletin'*.

The struggle of the Panchayat of Perumatty, Palakkad district of Kerala was picked up in October 2004 under the name of George Mathew.

The hunger strike of POTA prisoners in Chennai central prison was the subject of investigation by Justice Rajindar Sachar, Sudha Ramalingam, and others as reported in the November 2004 issue.

PUCL president Kannabiran met the Prime Minister to urge that the fast peace talks between the Andhra Pradesh Government and the representatives of CPI(ML), PWG and Janasakthi should be continued. The Prime Minister received him cordially and remarked that he regarded organisation like the PUCL as "watchdogs of our activities". He also commended the work of Committee of Concerned Citizens, see December 2004 *'Bulletin'*.

December 2004 *'Bulletin'* reported the NHRC proceedings on Mass cremations of Punjab.

The Chhattisgarh PUCL issued a detailed report about the custodial crimes and fake encounters etc during the second half of 2004 (January 2005 *'Bulletin'*)

The Supreme Court finally disposed of the Sankar Guha Niyogi murder case on January 20.

PUCL President wrote a letter to the Prime Minister emphasising once again that it was in the interest of people that the talks between the government of Andhra Pradesh and the Naxalite did not break down. The Prime Minister wrote back that he agreed with this approach and said that this seemed to be an opportune moment to write a new chapter in the history of Andhra Pradesh.

The Tamil Nadu PUCL issued a detailed statement on the rehabilitation and relief work in the wake of Tsunami.

Bhubaneswar and Cuttack branches of PUCL filed a writ petition in the Orissa High Court for action against officials found guilty for the police firing on December 16, 2000 on tribals at Mikanch.

The same issue of the *'Bulletin'* published excerpts on the Armed Forces Special Powers Act 1958.

Delhi PUCL's report on the custodial death of one Parmeshar Dayal was published in the April 2005 *'Bulletin'*.

The May 2005 issue of the *'Bulletin'* published the report on police atrocities in Kashipur and Rayagada, Orissa.

The Supreme Court, in the Rajendra Sail contempt of court case said that though the High Court sentence was not "unjustified but... the organisation to which we belongs which, it is claimed, brought before various courts... many Public Interest Litigations for general public good, we feel that ends of Justice would be met if sentence of 6 months is reduced to sentence of one week simple imprisonment.

The report of Lathi charge on the dwellers of demolished slums in Mumbai on April 6, 2005 was published in the

June 2005 *'Bulletin*.

Three Local branches of Orissa wrote a report in the atrocities on protesters against the establishment of Alumina Industry which was published in the July 2005 *'Bulletin*.

A team of the National PUCL wrote a report in the September 2005 issue of the *'Bulletin* on police violence in Gurgaon against the protesting workers of the Honda Motors & Scooters.

Kannabiran's letter to Ms Asma Jehangir of the National Human Rights Commission of Pakistan, an NGO, concerning the death penalty imposed by the Pakistan's Supreme Court on one Shri Sarabjit Singh was published in the October 2005 issue of the *'Bulletin*.

The November 2005 issue of the *'Bulletin* published the Bihar PUCL report on police firing August in Maharajgunj. The Bihar PUCL also looked into the false kidnapping charge against on Umesh Kumar and recommended that the case against Umesh Kumar Sharma should be withdrawn.

November 2005 issue of the *'Bulletin* also gave a summary of the situation regarding Pak-prisoners in India and Indian Prisoners in Pakistan.

In November 2005 the Supreme Court finally confirmed the judgement of the notorious sexual harassment case against KPS Gill, former DGP of Punjab.

November 2005 issue reported the final disposal of the Parliament attack case acquitted SAR Gilani and enhancing the sentence of Shaukat Guru.

The PUCL *'Bulletin* Also took up the cause of actress Khushbu and Suhasini's persecution.

The Varanasi branch of the U P PUCL wrote a report on flesh trade in Shivdaspur (January 2006 *Bulletin*).

A report of the Chhattisgarh PUCL is August 2006 issue of *'Bulletin* highlighted State repression in Birkoni.

The Supreme Court transferred the Hashimpura (Meerut) atrocities case to Delhi where the Court of additional sessions judge M P Kaushik framed Charges of murder, attempt to murder, Criminal Conspiracy, abduction, unlawful assembly, assault and unlawful compulsory labour against the UP PAC personal on June 1, 2006. The PUCL investigations committee comprising Rajendra Sachar, Indar K Gujral, A.M. Khusro, Dalip Swami, and K C Gupta had brought out a report on June 23, 1987. This report was reproduced in the September 2006 *'Bulletin* to put the proceedings of the above mentioned case in proper perspective.

The General Secretary invited the State and local branches in October 2006 *'Bulletin* to initiate steps and evolve programmes initiated by the Government so that there may reach the target populations. The programmes mentioned were:

A criminal against labour cell in East district.

The National Rural Employment Act.

The Right to Information Act.

The Amendment to Section 436 of Cr. Pc.

The Amendment to Child Labour Prohibitions and Regulations Act.

A report of the Jharkhand PUCL in the February 2007 *'Bulletin* revealed a pathetic and highly condemnable conditions prevailing in the Sakchi Jail in East Singhbhum. The report was also sent to the national Human Rights Commission.

The March 2007 issue was devoted to late Shri Tarkunde. This was the 300th issue of the PUCL *Bulletin*. As Shri Tarkunde also had expired in the month of March (2004), this third Century number of the *'Bulletin* was dedicated to Shri Tarkunde.

The April 2007 issue of the *'Bulletin* published a report on the Nithari Tragedy where a number of serial murder of children at taken place the same issue of the *'Bulletin* had a report on the custody death of a Dalit youth in Noida who left behind his blind parents and two teenage sisters. Another report was about a police station in Noida which

revealed the deplorable infrastructure of the Police Station. These three reports were by Dr Pushkar Raj assisted in the third report by some researchers from JNU, Delhi.

The report of a PUCL team about the violent incidents of Nandigram on January 7, 2007 was published in April 2007 *'Bulletin'*.

On an application Shri Prabhakar Sinha to the Chief Information Commissioner, Bihar the Patna High Court was directed to place its rules framed under Section 28 of the Right to Information Act, on its website.

The PUCL General Secretary's letter to the vaster of Delhi University on the issue of sexual harassment in the issue was published in the June 2007 *'Bulletin'*.

The arrest of Dr. Binayak Sen, a National Vice President of the PUCL and General Secretary of the Chhattisgarh PUCL was and continued to be a subject of protest meetings and resolutions, etc., by all the branches of the PUCL and his arrest was condemned in India and outside India.

The same issue of the *'Bulletin'* published a complaint on sexual harassment by a former women employee of the UNICEF against its India Chief, Secilio Adorna.

The August 2007 issue of the *'Bulletin'* published the report of a 24 member joint team of the Rajasthan PUCL, the PUDR Delhi, the AFDR Punjab, and students of various National Law University Colleges, of the caste violence that griped Rajasthan in the month of June 2007.

The September issue of the *'Bulletin'* published a report by Dr George Mathew, President of Delhi State PUCL, and Director, Institute of Social Sciences, Delhi on violence against women in the Panchayat politics of Andhra Pradesh.

The Karnataka PUCL published a report in the September issue of the *'Bulletin'* on the so-called encounter between the police and the Naxals at same places.

K G Kannabiran wrote an appeal letter to the Rashtrapati for remission of sentence and early release of Sri Lankan and Indian prisoners.

KG Kannabiran and Kalpana protested against the attack on Tasleema Nasreen on August 9 in Hyderabad.

The Jharkhand PUCL wrote a report in October issue on the illegal detention of an Afghan Citizen in Dumka.

The November 2007 issue of the *'Bulletin'* published an article by Justice Rajendra Sachar against judgements in some High Court and the Supreme Court declaring Bandh illegal.

The December issue of the *'Bulletin'* analysed The Encounter Culture and Accountability of Police in a peace by Pushkar Raj and Shobha Sharma.

Jharkhand PUCL's report on burning of 28 huts in Garhwa was published in the December issue of the *'Bulletin'*.

A detailed report in this issue by Bihar PUCL analysing floods in the State and how they were related to human rights on millions of people.

The PUCL President and General Secretary wrote a letter to the Governor of West Bengal urging him to call a round table on Nandigram.

Ram Naresh Sharma, an office bearer of the Bihar PUCL and Government APP was murdered in Begusarai at his residents. This murder of a human rights defender was condoled by the State and the National PUCL.

* Issues and activities of the following years will be covered in the next edition.

APPENDICES

Appendix 1

Charter of demands:

(The seven points printed hereunder formed the Charter presented in 1989. This Charter has been used subsequently also. The italicised comments after every point indicate the actions taken by the government till 1998. This Charter can be amended by the National PUCL in accordance with the changing national situation).

1. Radio and Television should be placed under the control of one or more autonomous bodies created by law.

Prasar Bharati Bill was adopted by the Parliament and was signed by the President. The Government fell before it could be implemented. The JD(S) and the Congress (I) governments took no steps to implement the same. Implemented by the United Front government.

2. The 59th Constitution Amendment should be repealed

Repealed by the Constitution (sixty-third Amendment) Act, 1989 by the VP Singh government.

3. Black laws such as the Terrorist Areas (Special Courts) Act, the Terrorist and Disruptive Activities (Prevention) Act, and other laws which grant arbitrary powers to the police, the army, or the executive should be repealed. All the laws of preventive detention should be repealed

*Indian Postal (Amendment) Bill rescinded.
TADA (P) Act allowed to lapse by the PV Narsimha Rao government.*

4. Article 19(1) (A) of the Constitution should be amended so as to include the right to information on matters of public interest and to specifically safeguard freedom of press.

No action so far.

5. The privileges of parliament and State legislatures should be codified by law so that they would be subject to fundamental rights written in the Constitution.

No action so far.

6. The appointment and transfer of judges and chief justice of High Courts and the appointment of judges and Chief Justice of the Supreme Court should be made the responsibility of a high powered judicial committee so as to eliminate executive interference in these matters and to maintain the independence and dignity of the judiciary.

After a public debate and reference by the President to the Supreme Court, in 1998, the CJ, in consultation with four senior most judges, has the power of appointments and transfers.

7. The right to work should be made a fundamental right by amending the Constitution and a central law should be passed embodying an employment guarantee scheme.

The Government placed before the National Development Council a proposal for implementing the right to work through employment guarantee programme. The NDC, in turn, constituted a subcommittee of Chief Ministers to work out the operation of the proposal.

Appendix 2

Question of violence

(a) Resolution of the National Convention held on March 7, 1982, at Madras (now Chennai)

"The PUCL reaffirms its faith in the democratic way of life.

"It appeals to all to use to the utmost the agencies and methods available in an open society. Apart from other factors, violence, even for laudable objectives, will legitimise counter-violence by the State and other groups.

"It reaffirms that even those who have taken to violence are entitled to due process of law. We believe that this commitment is the very faith of an open society and also that adhering to this commitment is an effective way of converting all to the democratic and peaceful way of transforming our society".

(b) Statement adopted at the National Convention held at Pune on May 26 & 27, 1990

"With the increasing resort to violent agitations, terrorism, and insurrectionary and associated devices to attain political ends, and as a sequel the response of the state machinery the basic civil liberties and human rights of the great majority in the country are in jeopardy and are likely to get further curtailed by the State on the one hand and the perpetrators of violence on the other.

"The present state of affairs in Jammu and Kashmir, the Punjab, the North-east, and other parts of the country, especially in Andhra Pradesh and Maharashtra, range from virtual insurrection to organised terrorism. The late, hasty, panicky, inarticulate, and *ad-hoc* reactions of the governments, both at the centre and in the States, amount to unleashing measure which not only aggravate the situation but, because of their very nature, constitute a frontal attack on residual civil liberties. Even with all the goodwill, which is not that widely prevalent among the law enforcing authorities, they may find themselves in an unenviable position of liquidating the rights of the citizen for what may appear to them and their mentors, a higher cause.

"It must be recognised that such movements do not emerge without warning and without some cause and therefore a minimal mass base, and one of the main aims of such movements is to prevent the exercise on the rights by their adversaries. Not to generate advance signals of warnings and to respond to them promptly and the inability of the democratic body politic to resolve an issue involved within the democratic framework is a reflection, in general, on its inadequacies and, in particular, a failure of the State apparatus in the country.

"The persistence of these trends over extended areas are a threat to the integrity of the country, to its nascent democratic polity, and to the very survival of civil liberties and human rights.

"In this context, it should be specially noted that those indulging in violence, terrorism, and insurrection are not belligerents but citizens of the country and hence the principal objective of the State response should be to bring them into main stream of democratic polity by neutralising the effectiveness of their ill-conceived strategy.

"The Convention therefore calls upon:

(i) The public and all political parties to demand creation of suitable institutional framework in order to resolve underlying causes in a peaceful and humane manner and where already violence and insurrection have raised their head, to organise masses to isolate the 'other' side, erode their bases, instil confidence among the community in their ability to combat unarmed the 'other' side. Without political mobilisation on a large scale, mere law and order approach to these problems will be woefully inadequate.

(ii) The Central and the State governments to initiate steps that will ensure the credibility, the integrity, and accountability of the government machinery at various levels not necessarily confined to administrative hierarchy, and

(iii) In the context of the specific situation in Jammu and Kashmir, Punjab, and other parts where sporadic terrorism is being witnessed, to associate and involve credible persons from different parts of the country, not as decision-makers, in various organised ways with all the 'law enforcing' measures. This will mean their being live witnesses, sounding boards, and reviewing agencies in the case of arrests, detention, interrogation and firings. Similar arrangements should be made to facilitate reporting on the activities of the violent agitators, terrorists, and insurrectionists. These measures which ensure continuous monitoring of developments should act more as effective deterrent than post-mortem of the traditional time consuming, judicial and quasi-judicial, agencies.

“The convention also calls upon all champions of civil liberties and members of the PUCL in particular, without identifying with any of the involved groups, to take vigorous and prompt initiative on these matters and act as catalysts in the creation of new institutions and fresh practices that will promote and consolidate their principal cause.”

Constitution of the PUCL

(Incorporating amendments up to September 4, 2010)

1. Name:

The name of the organisation shall be the People's Union for Civil Liberties (PUCL).

2. Aims & Objects:

The People's Union for Civil Liberties will try to bring together all those who are committed to the defence and promotion of civil liberties in India, irrespective of any differences which they may have in regard to political and economic institutions suitable for the country.

The aims and objects of the organisation will be:

- (a) to uphold and promote by peaceful means civil liberties and the democratic way of life throughout India;
- (b) to secure recognition to the principle of dignity of the individual;
- (c) to undertake a constant review of penal laws and the criminal procedure with a view to bringing them in harmony with humane and liberal principles;
- (d) to work for the withdrawal and repeal of all repressive laws including preventive detention;
- (e) to encourage freedom of thought and defend the right of public dissent;
- (f) to ensure the freedom of the press and independence of mass media like radio and television;
- (g) to secure the rule of law and independence of the judiciary;
- (h) to make legal aid available to the poor;
- (i) to make legal assistance available for the defence of civil liberties;
- (j) to work for the reform of the judicial system so as to remove inordinate delays, reduce heavy expenses, and eliminate inequities;
- (k) to bring about prison reform;
- (l) to oppose police excesses and use of third degree method;
- (m) to oppose police discrimination on the ground of religion, race, caste, sex, or place of birth;
- (n) to combat social evils which encroach on civil liberties, such as untouchability, casteism, and communalism;
- (o) to defend in particular the civil liberties of the weaker sections of society and of women and children;
- (p) to do all acts and things that may be necessary, helpful, or incidental to the above aims and objects.

3. Criteria of Membership:

- (a) Every adult person shall be eligible to be a member of the organisation if he/she believes that civil liberties must be maintained in India, now and in the future, irrespective of any economic and political changes that may take place in the country.
- (b) Members of the political parties will be entitled to be members of the organisation in their individual capacity if they subscribe to its aims and objects. They will have all the rights of membership except that:
 - (i) the President, the Vice Presidents, the General Secretaries, other Secretaries, and the Treasurers of the organisation or any of its branches shall not be a member of any political party.
 - (ii) At least one-half of the members of the National Council and the National Executive Committee and of corresponding bodies at the State and local levels, shall be person who are not members of any political party.
 - (iii) Not more than 10% of the members of the National Council and the National Executive Committee, and of corresponding bodies at the State and local levels, shall be members of one political party.
- (c) The membership fee will be Rs. 50/- per year, to be collected once a year. Student members and non-earning members who are below the age of 25 may pay Rs. 10/- per year as member's fee. The Executive Committees at every level will be entitled to admit persons from economically weaker sections of society, like workers and peasants, at a membership fee of Rs. 10/- per year.
- (d) Those who pay Rs. 1000/- in a lump sum will be Life members. Those who pay Rs. 2000/- will be Patron members of the organisation.
- (e) The National Council will have the right, by a two-third majority, to refuse membership to any person or to remove any person from membership. The Council of a State branch will have a similar right in the respective State.

3(A). Institutional Members:

In addition to individual members there may be Institutional members also. All voluntary groups and institutions (but not political parties or groups affiliated to them) which agree with the objectives of the PUCL and desire to join

it will be entitled to become Institutional Members in accordance with the Supplementary Rules laid down by the National Executive Committee (see at the end).

4. National Convention

(a) A National Convention of the organisation will be held once in two years.

(b) The National Convention will review the work of the organisation and lay down policies and programmes for future.

5. National Council:

(a) The National Council will meet **at least once a year**. (amended in place of 'twice a year' by the National Council on 4th September 2010)

(b) The National Council will determine the policy and programme of the organisation, in conformity with the policies and programmes adopted by the National Convention.

(c) The National Council will elect the President, one or more Vice Presidents, one or more General Secretaries, one or more other Secretaries, and Treasurers for the ensuing term, as laid down in Clause 7(2).

6. The National Executive Committee:

(a) The National Executive Committee will look after the growth and work of the organisation, in conformity with the policies and programmes adopted by the National Convention and the National Council.

(b) The National Executive Committee will promote the formation of branches of the organisation in every State in India.

(c) The National Executive Committee will promote the policies and programmes of the organisation during the interval between two National Convention and meetings of the National Council.

7. Elections and formation of National bodies, calling of National Convention:

(1) At least six months before the next National Convention, the General Secretary would write to all the State branches that they should elect, preferably by consensus, representatives of their respective States for the National Council. The number of members to be elected by the States will be conveyed to them by the General Secretary in proportion to the total membership of the PUCL in the state according to the records with the National office at the time of the above mentioned letter from the General Secretary to the State branches. Besides these names, the General Secretary of the State branch will be an *ex-officio* member of the National Council. The names of the representatives of the State will be communicated to the General Secretary of the PUCL within two months of the receipt of his letter. (*The national President and the General Secretary may nominate, if necessary, some members to the National Council/National Executive Committee*).

(2) At least three months before the expiry of the term of the current President and other office bearers of the PUCL, a meeting of the National Council, constituting of the representatives of the States, including the State General Secretary, and the nominees of the national President and the General Secretary, if any, will be held at a place fixed by the General Secretary of the PUCL in consultation with the President. This meeting of the National Council will decide, on the basis of consensus, and if necessary, by votes, the office bearers as mentioned in Clause 5(c) for the next term commencing from the date on which the next National Convention will be held.

(3) The aforesaid meeting of the National Council will also elect the National Executive Committee of the PUCL which will comprise of the President, the General Secretary, other office bearers, all the former presidents, and such other members as may be decided by consensus by the National Council or nominated by the national President and General Secretary.

(4) The outgoing President will be an *ex-officio* member of both the National Council and the National Executive Committee.

(5) The aforesaid meeting of the National Council will also decide the venue and the date of the National Convention. The National Executive Committee will act as the Subjects Committee and would meet on the date preceding the National Convention to decide upon the resolutions, etc., to be discussed by the Convention. Members of the PUCL who want to propose some resolution would send them to the General Secretary one month before the proposed date of the Convention.

8. State and District Branches:

(a) With the sanction of the General Secretary, who in this matter will act in consultation with the President, members of any State may set up a state branch.

(b) As far as possible, in consultation with the General Secretary of the PUCL, the same pattern would be adapted at the State and district level for their functioning and elections.

(c) A State Council and State Executive Committee of the branch will be elected, as far as possible, according to the procedure laid down in Clause 7 above, in consultation with the General Secretary.

(d) The provisions analogous to clauses 4, 5, 6, and 7 above shall govern the State Convention, The State Council, the State Executive Committee, and the office-bearers of the State branch.

(e) Out of the membership fee collected in any State, one-third shall be sent to the National office and two-third shall remain with the State branch and shared equally with the district branch concerned.

(f) In case of Life members and Patrons members, 40% of the amount will be sent to the National office. The entire amount of such members enrolled directly with the Central office will be kept there.

9. Supplementary Rules:

Supplementary Rules for the organisation shall be made by the National Executive Committee as and when necessary.

10. Amendments:

The National Council will be entitled by the vote of a majority of its total membership to alter any part of this constitution except the aims and object of the organisation and the criteria of membership as specified in clause 3(a) above.

Supplementary Rules for Institutional Membership

(Refer to Clause 3(A) of the Constitution)

1. Those groups desirous of admission as Institutional Members will have to (a) announce support to the objectives of the PUCL and (b) apply for the same, after taking a decision to do so as per their respective by-laws.
2. The PUCL National Executive Committee will have the power to accept or to reject the applications for admission after careful consideration.
3. Each group would be required to pay an annual fee of Rs.100/- irrespective of its size, or nature of its activity. The Executive will, however, have the power to reduce the amount of the fee in exceptional circumstances.
4. Each group active in a state will have the right to nominate one representative as a member of the State Council.
5. Each group active in more than two states will have the right to nominate one representative as a member of the National Council.
6. All Institutional Members in a State will together be given one seat on the State Executive Committee in case their number is less than five, and two, if it is five or more.
7. All Institutional Members represented on the National Council together will, in case their number is less than ten, nominate one person to the National Executive Committee or two, in case their number is ten or more.
8. The mode of such representation, as provided in 6 & 7 above can, either be by rotation or by agreement amongst the institutional members or will be left to be decided by them in consultation with the President of the PUCL.

People's Union for Civil Liberties

MEMBERSHIP FORM

The General Secretary,
People's Union for Civil Liberties

Dear friend,

I subscribe to the aims and objects of the People's Union for Civil Liberties and agree to abide by its Constitution. Please enroll me as a member.

I remit herewith Rs. 50/- (**Yearly**)/ 1000/- (**Life**)/ 2000/- (**Patron**) membership fee [See Clause 3(c) and (d) of the Constitution].

I also remit herewith Rs.100/- at concessional rate as the subscription of the *PUCL BULLETIN* (optional).

I am not a member of any political party/I am a member of (Party).

Name: _____

Address: _____

State: _____ Pin Code: _____

Signature

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NB: While sending money to the National Office at Delhi, payment should be in the name of the **Peoples Union for Civil Liberties**, preferably by Demand Draft or Money Order. To the State branches it should preferably be M.O. **Do not send Postal Orders**. In case of outstation cheques please add Rs.70/-.

The address of the National Office at Delhi is: General Secretary, PUCL, 270-A, Patpar Ganj, Opp. Anand Lok Apartments (Gate No. 2), Mayur Vihar-I, Delhi-110091. Ph. 011-22750014.

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